REMARKS/ARGUMENTS

I. Amendment to the Specification

Pursuant to 37 C.F.R. 1.809, the specification has been amended to set out the deposit information for respective hybridomas that produce monoclonal antibodies 1A10 and 82E1. The amendments to the specification do not add new matter to the specification.

II. Claim Status

Upon entry of this Amendment, claims 21-29 and 38-48 are pending. All cancelled claims are cancelled without prejudice or disclaimer. Applicants reserve the right to puruse the subject matter of all cancelled claims in one or more divisional and/or continuation applications.

Claim 21 has been amended to recite that the claimed antibodies recognize an amyloid β. Support is found throughout the specification, e.g., Examples 4 and 8 that appear respectively on pages 19 and 21-22 of the the English translation of the specification that was filed on August 18, 2006. Claim 21 has been amended further to delete reference to monoclonal antibody 1C3.

Claims 39 and 40 have been amended to be directed to recite the monoclonal antibody 82E1. Support is found throughout the specification, see, e.g., Examples 7 and 8 that appear on pages 20-22 of the the English translation of the specification that was filed on August 18, 2006.

By this Amendment, no new matter has been added to the application.

III. Response to Rejections

The rejections set out in the Office Action are summarized and addressed as follows.

(i) Rejection Under 35 U.S.C. §112, first paragraph (enablement)

Claims 21-45 were rejected as failing to comply with the enablement requirement on the grounds that a suitable deposit of hybridomas that make the monoclonal antibodies recited in the claims is required. In response, reference to monoclonal 1C3 has been deleted from the claims and respective hydbridomas that produce monoclonal antibodies 1A10 and 82E1 have been deposited under the terms of the Budapest Treaty with an International Depository

Authority (IDA), the International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology, AIST Tsukuba Central 6, 1-1, Higashi 1-chome Tsukuba-shi, Ibaraki-ken 305-8566, Japan.

Submitted herewith as respective Exhibits A and B are receipts and viability statements for the aforementioned deposits that were issued by the aforementioned IDA. Pursuant to 37 C.F.R. 1.809, the specification has been amended to make reference to the deposits. Additionally, submitted herewith is a statement from Kinoshita Noriake of Immuno Biological Laboratories ("IBL"), which made the deposits on behalf the Applicants, and which states that the deposits were made under the terms of the Budapest Treaty and that all restrictions imposed by IBLon the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent.

Applicant is believed to have complied with all requirements concerning the deposit of biological material. Reconsideration of the claims and withdrawal of the rejection under 35 U.S.C. §112, first paragraph for lack of enablement is requested.

(ii) Rejection Under 35 U.S.C. §112, second paragraph

Claims 31, 37, 39, 40 and 45 have been rejected for alleged indefiniteness. Claims 31 and 37 have been cancelled. The rejection of these claims is thus moot.

The Examiner objected to claims 39 and 40 as being drawn respectively to humanized forms of antibodies 1A10 and 1C3, but depending from claim 38 which is drawn to antibody 82E1 or a humanized form thereof. In response, claims 39 and 40 have been amended to be directed to humanized 82E1. The basis of the objection has thus been addressed.

Claim 45 was included in the rejection as depending from a rejected claim (i.e., claim 39). The basis for the rejection of claim 45 has thus also been addressed.

The bases for all objections to the claims as being indefinite have been addressed and overcome. Reconsider of the claims and withrawal of all rejections under 35 U.S.C. §112, second paragraph is requested.

(iii) Rejections Under 35 U.S.C. §102

The Examiner set out rejections based on prior art disclosure of respective antibodies designated "1C3" and "1A10". All references to monoclonal antibody 1C3 have been deleted from the claims. The rejections are thus moot as they pertains to antibody 1C3.

The rejection with respect to monoclonal 1A10 is not believed to be well taken. It is axiomatic that the claims are read in light of the specifiction. One of ordinary skill in the art would immediately understand that monoclonal antibody 1A10 recited in the claims is the similarly-designated monoclonal that is described in the specification. The Examiner recognizes that the antibodies disclosed in the prior art do not bind Aβ. The Examiner thus tacitly acknowledges that the the antibodies disclosed in the prior art are not the 1C3 and 1A10 antibodies that are disclosed in the specification. The prior art thus does not disclose the claimed antibodies, and the prior art therefore does not anticipate the instant claims.

Notwithstanding the unfounded basis for the instant rejections, claim 21 has been amended to explicitly recite a "monoclonal antibody that recognizes an amyloid β." As acknowledged by the Examiner, the cited prior art fails to disclose an an antibody that binds (i.e., recognizes) an amyloid β. The amendment to claim 21 thus addresses the stated ground for the rejection. The rejection should therefore be withdrawn.

For the reasons set above, reconsideration of the claims and withdrawal of all rejections under 35 U.S.C. §102 is requested.

IV. Conclusion

This application is believed to be in condition for allowance, which is earnestly requested.

Respectfully submitted,

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